

## STROOCK

RECEIVED  
CENTRAL FAX CENTER

APR 27 2005

FACSIMILE

DATE APRIL 27, 2005

TO	COMPANY NAME	FAX NO.	PHONE NO.
Mail Box Amendment	U.S. Patent and Trademark Office	703-872-9306	

TOTAL NO. OF PAGES	16
FROM	Amy Wilson
SENDER'S FAX NO.	212-806-6006
SENDER'S PHONE NO.	212-806-5517
SENDER'S EMAIL	awilson@Stroock.com
ROOM NO.	3872
ATTORNEY NO.	3808
CLIENT/MATTER NAME	U.S. Patent Appln. No.
CLIENT/MATTER NO.	251305/0028

## MESSAGE

Transmitted herewith please find:

Amendment in Response to March 3, 2005 Office Action (12 pp.); Terminal Disclaimer (1 p.); Fee Transmittal (1 p.) and a Certificate of Facsimile (1 p.).

## CONFIDENTIAL

The information contained in this facsimile is privileged and confidential, and is intended only for the use of the individual named above and others who have been specially authorized to receive such. If the recipient is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with this transmission, please notify us by telephone at 212-806-6102.

STROOCK & STROOCK & LAVAN LLP • NEW YORK • LOS ANGELES • MIAMI  
180 MAIDEN LANE, NEW YORK, NY 10038-4982 TEL 212.806.5400 FAX 212.806.6006 WWW.STROOCK.COM

APR 27 2005

Docket No.  
**251305/0028**  
SBP:AEW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: **David Zhang, et al.**

Group Art Unit: **1634**

Application No.: **09/978,261**

Examiner: **Frank Lu**

Filed: **October 15, 2001**

For: **NUCLEIC ACID AMPLIFICATION METHODS**

Date: **April 27, 2005**

**CERTIFICATE OF TRANSMISSION**  
**BY FACSIMILE (37 C.F.R. § 1.8)**

**Mail Stop Amendment**  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

I hereby certify that the following correspondence:

**Amendment in Response to March 3, 2005 Office Action (12 pp.); Terminal Disclaimer (1 p.); Fee Transmittal (1 p.) and a Fax Cover Sheet (1 p.).**

is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.8 on the following date: **April 27, 2005**

1

**Janet Venezia-Appel**

(Typed Or Printed Name Of Person Signing this Certificate)

  
(Signature)

SSL-DOCS1 1567288

PTO/SB/17 (12-04)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**65.00****Complete if Known**

Application Number	09/978,261
Filing Date	October 15, 2001
First Named Inventor	David Zhang
Examiner Name	Frank Lu
Art Unit	1634
Attorney Docket No.	251305/0028

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 19-4709 Deposit Account Name: Stroock & Stroock & Lavan LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.18 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**      **Multiple Dependent Claims**

\_\_\_\_\_ - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_      **Fee (\$)**      **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_\_ - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____				

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: Terminal Disclaimer**Fees Paid (\$)****65.00****SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) <b>26,405</b>	Telephone <b>(212) 806-5400</b>
Name (Print/Type)	<b>Steven B. Pokotilow</b>	Date <b>April 27, 2005</b>	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SSL-DOCS1 1567290

Docket No.  
251305/0028  
SBP:AEW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Zhang, et al.

Group Art Unit: 1634

Application No.: 09/978,261

Examiner: Frank Lu

Filed: October 15, 2001

For: NUCLEIC ACID AMPLIFICATION METHODS

Date: April 27, 2005

RECEIVED  
CENTRAL FAX CENTER

APR 27 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT IN RESPONSE TO MARCH 3, 2005 OFFICE ACTION

Sir:

Applicants respectfully submit this response to the Office Action of the United States Patent and Trademark Office mailed on March 3, 2005. A response to the Office Action is due on June 3, 2005. Accordingly, this Response is timely filed. Applicants respectfully request consideration and entry of the following revisions and remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

SSL-DOCS1 1561731v1